

FORM PTO-1390
REV. 10/2003US DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

ATTORNEYS DOCKET NUMBER

P04,0344

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)

10/506882

INTERNATIONAL APPLICATION NO.

PCT/DE03/00582

INTERNATIONAL FILING DATE

February 24, 2003

PRIORITY DATE CLAIMED

March 7, 2002

TITLE OF INVENTION

**ACTIVE BACKSCATTER TRANSPONDER, COMMUNICATION SYSTEM
COMPRISING THE SAME AND METHOD FOR TRANSMITTING
DATA BY WAY OF SUCH AN ACTIVE BACKSCATTER TRANSPONDER**

APPLICANT(S) FOR DO/EO/US

Patric Heide, et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☒ is attached hereto.
 - b. ☐ have been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. §371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). (**Unexecuted**)
10. ☒ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern other document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment with 2 Replacement Page Drawings and 2 Annotated Replacement Pages.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☒ A substitute specification with Mark Up Substitute Specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 – 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information:
 - a. ☒ Submission of Drawings: 3 Sheets
 - b. ☒ EXPRESS MAIL # EV 361389049 US

| | | | | | |
|--|--|---|--|--------------------------------------|--|
| U.S. APPLICATION NO. (if known, see 37 C.F.R. 1.5) 101506885 | | INTERNATIONAL APPLICATION NO. PCT/DE03/00582 | | ATTORNEY'S DOCKET NUMBER P04,0344 | |
|--|--|---|--|--------------------------------------|--|

| | | | | | | | |
|---|--------------|--------------|-----------|--------------------------|--|--------------|--|
| 21. <input checked="" type="checkbox"/> The following fees are submitted: BASIC NATIONAL FEE (37 C.F.R. 1.492 (a) (1) - (5): Neither international preliminary examination fee (37 C.F.R. 1.482) nor international search fee (37 C.F.R. 1.445(a)(2) paid to USPTO and International Search Report not prepared by the EPO or JPO \$1,080.00 International preliminary examination fee (37 C.F.R. 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$920.00 International preliminary examination fee (37 C.F.R. 1.482) not paid to USPTO but international search fee (37 C.F.R. 1.445(a)(2) paid to USPTO \$770.00 International preliminary examination fee (37 C.F.R. 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) 730.00 International preliminary examination fee (37 C.F.R. 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00 ENTER APPROPRIATE BASIC FEE AMOUNT = | | | | CALCULATIONS | | PTO USE ONLY | |
| | | | | | | | |
| | | | | 920.00 | | | |
| Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 C.F.R. 1.492(e)). | | | | | | | |
| CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE | | | | |
| Total Claims | - 13 = | 0 | X \$18.00 | | | | |
| Independent Claims | - 6 = | 3 | X \$86.00 | 258.00 | | | |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable) | | | \$290.00+ | | | | |
| TOTAL OF ABOVE CALCULATIONS = | | | | 1,178.00 | | | |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2. | | | | | | | |
| SUBTOTAL = | | | | \$1,178.00 | | | |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)). | | | | + | | | |
| TOTAL NATIONAL FEE = | | | | | | | |
| Fee for recording the enclosed assignment (37 CFR 1.21(h). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property | | | | + | | | |
| TOTAL FEES ENCLOSED = | | | | 1,178.00 | | | |
| | | | | Amount to be refunded | | \$ | |
| | | | | Charged | | \$ | |

a. ☒ A check in the amount of **\$1,178.00**.

b. ☐ Please charge my Deposit Account No. _____ in the amount of \$_____ to cover the above fees. A duplicate copy of this sheet is enclosed.

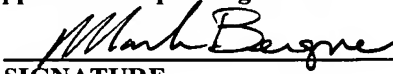
c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. **501519**. A duplicate copy of this sheet is enclosed.

d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Schiff Hardin LLP
Patent Department
6600 Sears Tower
Chicago, Illinois 60606-6473
Customer Number 26574


SIGNATURE

Mark Bergner
NAME

45.877
REGISTRATION NUMBER

DT03 Rec'd PCH TO 07 SEP 2004

10/506885

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

"Express Mail" Mailing Label Number EV 361389049 US

Date of Deposit: September 7, 2004

I hereby certify that the following is being deposited with the United States Postal "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450.

Inventor: Patric Heide, et al.

Attorney Docket No.: P04,0344.

INTERNATIONAL APPLICATION NO: PCT/DE03/00582

INTERNATIONAL FILING DATE: February 24, 2003

Patent Application Entitled:

**"ACTIVE BACKSCATTER TRANSPONDER, COMMUNICATION
SYSTEM COMPRISING THE SAME AND METHOD FOR
TRANSMITTING DATA BY WAY OF SUCH AN ACTIVE
BACKSCATTER TRANSPONDER "**



Signature of person Mailing application

10/506885
DT04 Re CT/PTO 07 SEP 2004



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September 7, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Re: Patent application for Patric Heide, et al. entitled "ACTIVE BACKSCATTER
TRANSPONDER, COMMUNICATION SYSTEM COMPRISING THE SAME AND
METHOD FOR TRANSMITTING DATA BY WAY OF SUCH AN ACTIVE
BACKSCATTER TRANSPONDER"
Our Case No. P04,0344
Client Ref. No. 2002P03530WOUS

Sir:

Under the provisions of 37 CFR 1.41 (c), I am filing the attached patent application on behalf of Patric Heide, Martin Nalezinski, Claus Seisenberger, and Martin Vossiek; an unexecuted Declaration is submitted herewith. Applicant(s) request that the application papers be assigned a serial number and filing date pursuant to the provisions of 1.53(b) and 1.53(d).

On behalf of the inventors, I hereby claim priority from 102 10 037.3 of March 7, 2002.

Respectfully submitted,

Mark Bergner

MB:jll